

**CITY OF MILPITAS
APPROVED**

PLANNING COMMISSION MINUTES

June 8, 2005

**I.
PLEDGE OF
ALLEGIANCE**

Chair Lalwani called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

**II.
ROLL CALL**

Present: Azevedo, Galang, Garcia, Lalwani, Mandal, Mohsin and Williams
Absent: None
Staff: Carrington, Fujimoto, Heyden and Rodriguez

Staff announced that Commissioner Williams, Commissioner Mohsin and Commissioner Mandal were still at the Planning Commission Subcommittee meeting.

**III
PUBLIC FORUM**

Chair Lalwani invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendize the matter for a future meeting.

John Alms, resident, asked if Agenda Item No. 2-Use Permit Approval Amendment No. UA2004-10, "S" Zone Approval Amendment No. SA2004-100 and Environmental Impact Assessment No. EA2005-2 for 1000 Park Victoria Drive will be continued to the August 10th meeting and staff responded yes.

**IV.
APPROVAL OF MINUTES
May 25, 2005**

Chair Lalwani called for approval of the minutes of the Planning Commission meeting of May 25, 2005.

Staff had no changes to the minutes.

Chair Lalwani asked how many elevators would be built at the new library and staff responded one.

Motion to approve the minutes as submitted.

M/S: Galang/Garcia

AYES: 3

NOES: 0

ABSTENTIONS: 1 (Azevedo) – Absent at the May 25th meeting.

**V.
ANNOUNCEMENTS**

Staff noted that a memorandum was submitted regarding Item No. 1 (Site and Architecture Approval Amendment No. SA2005-26) under public hearing, and the applicant has requested that the item be withdrawn. Staff also noted they received a letter from Witt and Reyes Attorney at Law representing Mr. Witt who is a property owner of the property for Agenda Item No. 5 (Use Permit Amendment No. UA2005-6) on the agenda. Staff recalled an ongoing private dispute between Mr. Witt and Mr. Yen and it is the attorney's position that Mr. Yen does have the authority to authorize the application.

Commissioner Mandal, Commissioner Mohsin and Commissioner Williams returned to the Council Chambers at 7:05 p.m.

**VI.
CONFLICT
OF INTEREST**

Chair Lalwani asked if the Commission has any conflict of interest on tonight's agenda.

Commissioner Galang noted that he had a conflict of interest under the consent calendar Agenda Item No. 4 (Hillside Site and Architecture Approval Amendment No. SA2005-40) because he lives near the property.

**VII.
APPROVAL OF
AGENDA**

Chair Lalwani called for approval of the agenda.

There were no changes from staff.

Motion to approve the agenda.

M/S: Galang/Azevedo

AYES: 7

NOES: 0

**VIII.
CONSENT CALENDAR
Consent Item Nos. 2, 3, 4
and 5**

Chair Lalwani asked whether staff, the Commission, or anyone in the audience wished to remove or add any items to the consent calendar.

Staff had no changes.

Chair Lalwani opened the public hearing on Item Nos. 2, 3, 4 and 5.

There were no speakers from the audience.

Motion to close the public hearing on Consent Item Nos. 2, 3, 4 and 5.

M/S: Mandal/Mohsin

AYES: 6

NOES: 0

ABSTENTIONS: 1 (Galang – on agenda item no. 4 only)

Motion to approve the Consent Calendar on Consent Item Nos. 2, 3, 4 and 5.

M/S: Mandal/Mohsin

AYES: 6

NOES: 0

ABSTENTIONS: 1 (Galang – on agenda item no. 4 only)

***2** USE PERMIT APPROVAL AMENDMENT NO. UA2004-10, "S" ZONE APPROVAL AMENDMENT NO. SA2004-100 AND ENVIRONMENTAL IMPACT ASSESSMENT NO. EA2005-2 (*Continued from May 11, 2005*): A request for approval to demolish four (4) existing church ancillary buildings (totaling 21,150 square feet) and construction of two (2) new ancillary buildings (totaling 46,350 square feet), with site modifications that include a parking reduction, removal of protected trees, and landscaping, located at 1000 South Park Victoria Drive.

***3** USE PERMIT NO. UP2005-10: A request to operate an 18-seat restaurant at Ulferts Shopping Center at 692 Barber Lane.

*4 HILLSIDE SITE AND ARCHITECTURE APPROVAL AMENDMENT NO. SA2005-40: A request to construct a 363 square foot building addition to an existing single-family home in the Hillside area at 2018 Wellington Drive.

*5 USE PERMIT AMENDMENT NO. UA2005-6: A request to add a 178 sq. ft. bar with no seats to an existing restaurant, Royal City, located in Abel Plaza at 90-94 S. Abel Street.

IX. NEW BUSINESS

1. VEHICULAR CIRCULATION UPDATE NO. AD2005-5

Jaime Rodriguez, Traffic Engineer, presented Vehicular Circulation Update No. AD2005-5, a request by the Planning Commission to re-examine the circulation at the Calaveras Plaza Shopping Center.

Commissioner Mohsin noted that turning from Calaveras into the driveway, there is no sidewalk at the intersection and the streets are narrow and it also causes a backup of traffic. Mr. Rodriguez pointed out that a sidewalk could be installed on the west side and that when an improvement is required on the site, staff could try to have the property owner implement the sidewalk.

Commissioner Galang suggested putting a no stopping sign near the Kinko's area and also to put a sign after the bridge that there is another entrance into the Plaza.

Mr. Rodriguez noted that staff cannot require the property owner to do anything and can only make a recommendation to them.

Commissioner Galang asked if staff could trim the trees near Calaveras and Serra and extend the driveway into Calaveras Plaza. Mr. Rodriguez said that he would go out and take a look and see if it is something the property owner could do.

Mr. Rodriguez noted that it is Caltrans policy not to allow the City to put signage on a state route towards private development.

Commissioner Galang asked if staff studied how many cars make a right turn on Butler and then make a U-turn to East Calaveras during busy hours. Mr. Rodriguez replied No but said that as part of traffic retiming project staff collected data at all the intersections and will get turning moving counts for a total of seven days at the end of July.

Mr. Rodriguez said that traffic on Calaveras is a good sign because it shows that the economy is moving up.

Commissioner Galang asked if staff would recommend a street light on Butler and Mr. Rodriguez said no because it is very costly and the public would not support a traffic signal there.

Commissioner Williams said that before Mr. Rodriguez came on board, the Commission was requiring that the height of the fence behind Mr. Chows be fixed and the property owner at Calaveras Plaza fought very hard against the improvements. The only way staff can get a property owner to be responsive is when an applicant comes in but most applicants are not willing to fight with a property owner because they want to get a business license for their business.

Mr. Rodriguez noted that on the traffic side, traffic engineering had not provided a lot of responses to improvement projects in the past but now, they review every project that comes in and if they identify any safety improvement, they push it back to Planning to make sure that it is looked at and implemented.

Commissioner Williams noted that he has seen many issues with Calaveras Plaza about making enhancements to that area and the property owner not being open to suggestions. Mr. Rodriguez said it is a difficult situation and staff cannot legally make the property owner do anything. The only legal course the City can require improvements are if the existing property owner files a development application. Other than that the City can only recommend improvements.

Commissioner Mandal asked if any improvements were to be made at the Calaveras Plaza who would pay for it. Mr. Rodriguez said that the developer would have to pay for it.

Commissioner Mandal noted that the parking lot is very crowded and asked if parking spots can be eliminated. Mr. Fujimoto replied that the site is at their maximum capacity in regards to parking, so if they were to lose some parking spaces they would be parking deficient and staff has no legal right to require them to remove spaces.

Commissioner Mandal noted that the Commission wants the entryway to Calaveras Plaza to be enhanced. Mr. Rodriguez noted that now, staff recommends a new type of driveway for all new developments.

Commissioner Mandal said given the constraints, is there anything to do to alleviate the problem. Mr. Rodriguez said that the only that could be done would be to reconstruct the driveway and staff would make the recommendation to the state and see what they say.

Vice Chair Garcia said that he would make one recommendation to staff and that is to send a letter to the property owner and tell them they need to look at the whole situation and voluntarily make improvements.

Commissioner Azevedo asked staff that when the change was made from Citibank to Lee's Sandwiches, that it would have been a good idea to require the improvements then. Mr. Fujimoto said that during the time, the shopping center made improvements in regards to the Midtown Plan, however the intersection wasn't identified as an issue at that time.

Chair Lalwani noted that there were parking problems between Lee's sandwiches and the property owner and Mr. Fujimoto said that there have been improvements done during that time.

Mr. Rodriguez said that the property owner converted the parking stalls to 30 minutes and has helped the problem.

Chair Lalwani asked if it is easy to get data from the police department to find out the number of accidents in the Calaveras Plaza area. Mr. Rodriguez said that the police does have system that tracks collision and that traffic engineering should have access to that system at by end of the year.

**X.
ADJOURNMENT**

The meeting was adjourned at 7:57 p.m. to the next regular meeting of June 22, 2005.

Respectfully Submitted,

Tambri Heyden
Acting Planning and Neighborhood
Services Director

Veronica Rodriguez
Recording Secretary